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**SUBSTITUTE HOUSE BILL 2177**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Moeller and Williams; by request of Board For Judicial Administration)

READ FIRST TIME 02/23/07.

1            AN ACT Relating to revising the definition of a weapon; and  
2 reenacting and amending RCW 9.41.300.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are each  
5 reenacted and amended to read as follows:

6            (1) It is unlawful for any person to enter the following places  
7 when he or she knowingly possesses or knowingly has under his or her  
8 control a weapon:

9            (a) The restricted access areas of a jail, or of a law enforcement  
10 facility, or any place used for the confinement of a person (i)  
11 arrested for, charged with, or convicted of an offense, (ii) held for  
12 extradition or as a material witness, or (iii) otherwise confined  
13 pursuant to an order of a court, except an order under chapter 13.32A  
14 or 13.34 RCW. Restricted access areas do not include common areas of  
15 egress or ingress open to the general public;

16            (b) Those areas in any building which are used in connection with  
17 court proceedings, including courtrooms, jury rooms, judge's chambers,  
18 offices and areas used to conduct court business, waiting areas, and  
19 corridors adjacent to areas used in connection with court proceedings.

1 The restricted areas do not include common areas of ingress and egress  
2 to the building that is used in connection with court proceedings, when  
3 it is possible to protect court areas without restricting ingress and  
4 egress to the building. The restricted areas shall be the minimum  
5 necessary to fulfill the objective of this subsection (1)(b).

6 For purposes of this subsection (1)(b), "weapon" means any firearm,  
7 explosive as defined in RCW 70.74.010, or any instrument or weapon of  
8 the kind usually known as slung shot, sand club, or metal knuckles, or  
9 any knife, dagger, dirk, or other similar instrument or weapon that is  
10 capable of causing death or bodily injury.

11 In addition, the local legislative authority shall provide either  
12 a stationary locked box sufficient in size for pistols and key to a  
13 weapon owner for weapon storage, or shall designate an official to  
14 receive weapons for safekeeping, during the owner's visit to restricted  
15 areas of the building. The locked box or designated official shall be  
16 located within the same building used in connection with court  
17 proceedings. The local legislative authority shall be liable for any  
18 negligence causing damage to or loss of a weapon either placed in a  
19 locked box or left with an official during the owner's visit to  
20 restricted areas of the building.

21 The local judicial authority shall designate and clearly mark those  
22 areas where weapons are prohibited, and shall post notices at each  
23 entrance to the building of the prohibition against weapons in the  
24 restricted areas;

25 (c) The restricted access areas of a public mental health facility  
26 certified by the department of social and health services for inpatient  
27 hospital care and state institutions for the care of the mentally ill,  
28 excluding those facilities solely for evaluation and treatment.  
29 Restricted access areas do not include common areas of egress and  
30 ingress open to the general public;

31 (d) That portion of an establishment classified by the state liquor  
32 control board as off-limits to persons under twenty-one years of age;  
33 or

34 (e) The restricted access areas of a commercial service airport  
35 designated in the airport security plan approved by the federal  
36 transportation security administration, including passenger screening  
37 checkpoints at or beyond the point at which a passenger initiates the  
38 screening process. These areas do not include airport drives, general

1 parking areas and walkways, and shops and areas of the terminal that  
2 are outside the screening checkpoints and that are normally open to  
3 unscreened passengers or visitors to the airport. Any restricted  
4 access area shall be clearly indicated by prominent signs indicating  
5 that firearms and other weapons are prohibited in the area.

6 (2) Cities, towns, counties, and other municipalities may enact  
7 laws and ordinances:

8 (a) Restricting the discharge of firearms in any portion of their  
9 respective jurisdictions where there is a reasonable likelihood that  
10 humans, domestic animals, or property will be jeopardized. Such laws  
11 and ordinances shall not abridge the right of the individual guaranteed  
12 by Article I, section 24 of the state Constitution to bear arms in  
13 defense of self or others; and

14 (b) Restricting the possession of firearms in any stadium or  
15 convention center, operated by a city, town, county, or other  
16 municipality, except that such restrictions shall not apply to:

17 (i) Any pistol in the possession of a person licensed under RCW  
18 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

19 (ii) Any showing, demonstration, or lecture involving the  
20 exhibition of firearms.

21 (3)(a) Cities, towns, and counties may enact ordinances restricting  
22 the areas in their respective jurisdictions in which firearms may be  
23 sold, but, except as provided in (b) of this subsection, a business  
24 selling firearms may not be treated more restrictively than other  
25 businesses located within the same zone. An ordinance requiring the  
26 cessation of business within a zone shall not have a shorter  
27 grandfather period for businesses selling firearms than for any other  
28 businesses within the zone.

29 (b) Cities, towns, and counties may restrict the location of a  
30 business selling firearms to not less than five hundred feet from  
31 primary or secondary school grounds, if the business has a storefront,  
32 has hours during which it is open for business, and posts  
33 advertisements or signs observable to passersby that firearms are  
34 available for sale. A business selling firearms that exists as of the  
35 date a restriction is enacted under this subsection (3)(b) shall be  
36 grandfathered according to existing law.

37 (4) Violations of local ordinances adopted under subsection (2) of  
38 this section must have the same penalty as provided for by state law.

1 (5) The perimeter of the premises of any specific location covered  
2 by subsection (1) of this section shall be posted at reasonable  
3 intervals to alert the public as to the existence of any law  
4 restricting the possession of firearms on the premises.

5 (6) Subsection (1) of this section does not apply to:

6 (a) A person engaged in military activities sponsored by the  
7 federal or state governments, while engaged in official duties;

8 (b) Law enforcement personnel, except that subsection (1)(b) of  
9 this section does apply to a law enforcement officer who is present at  
10 a courthouse building as a party to an action under chapter 10.14,  
11 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party  
12 has alleged the existence of domestic violence as defined in RCW  
13 26.50.010; or

14 (c) Security personnel while engaged in official duties.

15 (7) Subsection (1)(a) of this section does not apply to a person  
16 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
17 facility, directly and promptly proceeds to the administrator of the  
18 facility or the administrator's designee and obtains written permission  
19 to possess the firearm while on the premises or checks his or her  
20 firearm. The person may reclaim the firearms upon leaving but must  
21 immediately and directly depart from the place or facility.

22 (8) Subsection (1)(c) of this section does not apply to any  
23 administrator or employee of the facility or to any person who, upon  
24 entering the place or facility, directly and promptly proceeds to the  
25 administrator of the facility or the administrator's designee and  
26 obtains written permission to possess the firearm while on the  
27 premises.

28 (9) Subsection (1)(d) of this section does not apply to the  
29 proprietor of the premises or his or her employees while engaged in  
30 their employment.

31 (10) Any person violating subsection (1) of this section is guilty  
32 of a gross misdemeanor.

33 (11) "Weapon" as used in this section means any firearm, explosive  
34 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
35 9.41.250.

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